SUMMARY COURTS-MARTIAL THE TRAP

UNSEEN EVIL ENEMY OF THE COMMANDER

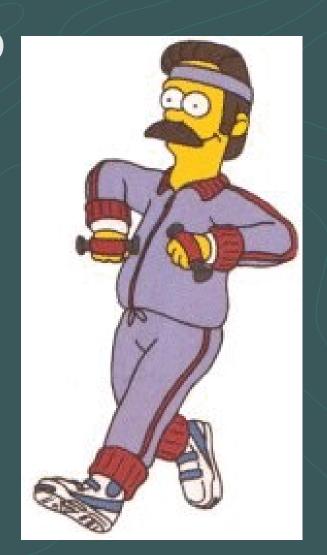
ALLOW CRIME TO GO UNPUNISHED

PERPETUATE CRIME IN YOUR UNIT

POORLY DONE SUMMARY COURT

WILL BE OVERTURNED

PROBLEM: LAWYERS



OUTCOME:

LAWYERS FEEL SUPERIOR AS THEY OVERTURN YOUR CONVICTIONS

OBJECTIVES:

CHOOSE THE CORRECT LEGAL WEAPONS TO OVERCOME THIS EVIL

PREPARE FOR COUNTER-ATTACK AND AMBUSH

BOTTOM LINE—MISSION:

USE SCM EFFECTIVELY

TOOLS:

- HANDBOOK
- FAQ SHEET
- MANUAL FOR COURTS-MARTIAL (2000)CHAPTER XIII

GOOD RULE:

* IF IT IS GOOD ENOUGH FOR A SUMMARY, IT IS GOOD ENOUGH FOR A SPECIAL

WHEN:

GUILTY PLEA

SURE THAT ACCUSED IS PROVIDENT

(HE REALLY DID IT, AND CAN SAY IT WITH A STRAIGHT FACE, AND WILL)

WHO



ALWAYS SAFER TO PREFER TO A SPECIAL AND

BARROPANIAGR BENCEKT WHEREIN THE ACCUSED AGREES TO PLEAD GUILTY

LAWYERS WILL DRAFT PTA

HAMMER AWAITS IF HE BALKS

SUMMARY COURTS-MARTIAL

DOING IT RIGHT

CONVENING SUMMARY COURTS-MARTIAL

BATTALION CO ONLY (equivalent)

 EXECUTIVE OFFICERS WHO ARE LEGITIMATELY COMMANDING
 -Not "acting" or "by direction"

WHO MAY CONDUCT?

COMMISSIONED OFFICER

****** 0-3 OR HIGHER PREFERRED

MORE EXPERIENCE = FEWER ERRORS

CHARGING:

MUST MEET ELEMENTS

***USE SAMPLE**SPECIFICATIONS!!!!!

NJP IS DIFFERENT

REQUIRES ONLY A GENERAL STATEMENT OF THE OFFENSE ALLEGED

SCM HAS ALL REQUIREMENTS OF SPECIAL OR GENERAL COURTS-MARTIAL

PREPARATION

EXAMINE CHARGE SHEET / OTHER INFO

PROCURE WITNESSES

REVIEW OFFENSES (ELEMENTS)

TRIAL GUIDES / ADMIN DOCS

PREPARE SOME MORE:

ASK MANY QUESTIONS

ENSURE COMPLETENESS / ACCURACY OF PAPERWORK

REPORT ANY IRREGULARITIES

I WANT A LAWYER!!

NO RIGHT TO MILITARY COUNSEL

CIVILIAN COUNSEL OK IF NOT UNREASONABLE DELAY AND NO EXIGENCY

SUMMARY COURTS-MARTIAL

* RULES OF EVIDENCE

*THEY ALL APPLY!

EVIDENCE:

BIGGEST PROBLEMS:

HEARSAY

AUTHENTICATION

HEARSAY AND THE 6TH AMENDMENT

WITNESSES ONLY: PERSON MUST TESTIFY AT TRIAL

NO POLICE REPORTS OR INVESTIGATIONS

VERY DIFFICULT TO LEARN

JUDGE ADVOCATE HELP: (mre's only take you so far)

LAW SCHOOL

NAVAL JUSTICE SCHOOL

CONTINUING EDUCATION

JUDGE ADVOCATES (CONT'D)

- **BRILLIANT**
- GOOD-LOOKING
- WELL-READ
- **FUN-LOVING**
- GREAT WITH KIDS
- UP ON CURRENT EVENTS

TAKE YOUR WIFE'S ADVICE:

PULL OVER AND ASK FOR DIRECTIONS

SAFETY NETS:

SUMMARIZED RECORD OF TRIAL

NO VERBATIMS!!

ENSURE EVIDENCE IS ADMISSIBLE B/4 TRIAL!!

PROVIDENCY:

GUILTY PLEA

QUESTION HIM TO ENSURE ALL ELEMENTS ARE MET

EXAMPLE:

LARCENY OF GOODS IN EXCESS OF \$

- **TOOK**
- KNEW IT WASN'T HIS
- BELONGED TO X
- MEANT TO KEEP
- MORE THAN \$150

WHEN CAN ACCUSED OBJECT?

BEFORE ARRAIGNMENT:

TAKING OF PLEAS TO CHARGES

SENTENCING:

EVIDENCE IS DIFFERENT

MAY CONSIDER MITIGATING / EXTENUATING FACTORS

MAY ALSO CONSIDER AGGRAVATING FACTORS

PUNISHMENTS:

STAY WITHIN LIMITS FOR PAY GRADES

■ E-5 / E-4 DIFFERENCES

COMBINATIONS OF PUNISHMENTS

LIMITS ON DAYS AND AMOUNTS

PUNISHMENT

NO FINES

FORFEITURES OK, LOOK AT LATEST PAY CHART

SCM CANNOT SUSPEND—
RECOMMEND ONLY

WHEN IN DOUBT:

*SHOUT IT

